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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ROBERT DEAN GRIFFIN, JR.,

11 Plaintiff,

12 v.

13 DANIEL W. WHITE, et al.,

14 Defendants.

CASE NO. 3:17-cv-05841-RBL

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION AND
GRANTING LEAVE TO AMEND

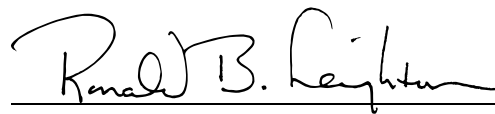
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16 Plaintiff Robert Dean Griffin, Jr., filed this civil rights action pursuant to 42 U.S.C. §
17 1983. Plaintiff filed this case in July of 2017. Dkt. 1. He filed a second § 1983 action in February
18 of 2018. *Griffin v. White*, No. 3:18-cv-5133-BHS-JRC, Dkt. 1. Both that case and the present
19 case raised claims stemming from the same core of operative facts. Thus, in March of 2018,
20 Magistrate Judge J. Richard Creatura entered an order in plaintiff's second § 1983 action,
21 ordering plaintiff to show cause why that case should not be consolidated with the case presently
22 before the Court. *Id.*, Dkt. 5. When plaintiff failed to respond, Judge Creatura entered a report
23 and recommendation, recommending that plaintiff's second action be dismissed. *Id.*, Dkt. 6.
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1 Judge Creatura subsequently entered a report and recommendation in the present case,
2 recommending that defendants' motion for summary judgment be granted and plaintiff's action
3 dismissed. Dkt. 55. However, the Court received objections to the report and recommendation in
4 plaintiff's second case and entered an order consolidating the two cases. Dkt. 56. Though the
5 order was signed before Judge Creatura entered his report and recommendation on the motion for
6 summary judgment, the Court's Order was not entered on the docket until after the report and
7 recommendation. *Compare* Dkt. 55 *with* Dkt. 56.

8 Therefore, because plaintiff's cases have now been consolidated, it is ORDERED:

- 9 1) The Court declines to adopt the report and recommendation (Dkt. 55).
- 10 2) Plaintiff has leave to file a third amended complaint, including all his claims from
11 both the present case and the case originally filed under 3:18-cv-5133-BHS-JRC.
- 12 3) Plaintiff shall file his amended complaint by August 3, 2018.
- 13 4) The Clerk is directed to renote Plaintiff's motion for summary judgment (Dkt. 41),
14 defendants' cross-motion for summary judgment (Dkt. 44), and plaintiff's motion to
15 alter or amend (Dkt. 53) for August 3, 2018.
- 16 5) The Clerk is also directed to re-refer the case to Magistrate Judge J. Richard Creatura.

17 Dated this 10th day of July, 2018.

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20 Ronald B. Leighton
21 United States District Judge
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